

REMARKS

This application has been reviewed in light of the Office Action mailed on January 8, 2004. Claims 1-24 are pending in the application with Claims 1 and 24 being in independent form. By the present Amendment, Claim 17 has been amended.

I. Rejection of Claims 1-24 Under 35 U.S.C. §102(e)

Claims 1-24 were rejected under 35 U.S.C. §102(e) as anticipated by U.S. Patent No. 5,889,270 issued to van Haagen et al. on March 30, 1999 (“van Haagen et al.”). The rejection is respectfully traversed.

van Haagen et al. discloses methods and systems for bar code decoding using moving averages. van Haagen et al. also discloses a computer system for distorting edges of bar code timing count scan data for simulating at least one bar code edge distortion to account for ink spread and noise. The computer system is programmed to evaluate the effect of the at least one simulated distortion on decoding of the bar code represented by the bar code timing count scan data. See column 57, line 12 to column 58, line 63. The distorted edges represent printed areas of a bar code symbol, for example, bars of a UPC symbol, and/or spaces of the bar code symbol.

Applicant’s Claim 1 is not anticipated under 35 U.S.C. §102(e) over van Haagen et al. Applicant’s Claim 1 explicitly recites “adding a predetermined length to the length of each space while the length of each printed area remains unchanged to produce a modified code symbol.” van Haagen et al. does not disclose or suggest such a feature. van Haagen et al., as discussed above, discloses distorting edges of the bar code timing count scan data representing a bar code. There is no disclosure or suggestion in van Haagen et al. that the method includes adding a predetermined length to the length of

each space while the length of each printed area remains unchanged to produce a modified code symbol, as recited by Applicant's Claim 1. Accordingly, withdrawal of the rejection under 35 U.S.C. §102(e) with respect to Claim 1 and allowance thereof are respectfully requested.

Applicant's dependent Claims 2-23 depend from Claim 1, and therefore include the limitations of Claim 1. Therefore, for at least the same reasons given above for Claim 1, Claims 2-23 are believed to be allowable over van Haagen et al. Accordingly, withdrawal of the rejection with respect to Claims 2-23 and allowance thereof are respectfully requested.

Independent Claim 24 incorporates the limitations of independent Claim 1 and dependent Claims 20 and 23 by reference. Accordingly, for the same reasons given above for Claim 1, Claim 24 is believed to contain patentable subject matter. Hence, withdrawal of the rejection under 35 U.S.C. §102(e) with respect to Claim 24 and allowance thereof are respectfully requested.

II. Conclusion

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application, namely, Claims 1-24, are believed to be in condition for allowance and patentably distinguishable over the art of record.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call Applicant's undersigned attorney at the number indicated below.

Respectfully submitted,



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